

REMARKS

Please reconsider the claims in the application in view of the remarks below.

In the Office Action, the Examiner rejected claims 7-8 and 11-12 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. The Examiner did indicate that Claims 1-6 and 14 are allowable.

Claim Rejection – 35 U.S.C. § 101

The Office Action, dated November 10, 2009, rejected claims 7-8 and 11-12 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. The Examiner did indicate that the §101 rejection can be overcome by if the claims and the specification are amended to recite a non-transitory media. In response, Claims 8 and 12 are being canceled without prejudice. Claims 7 and 11 are being amended for clarification purposes to recite that the computer usable medium set forth in the claims is non-transitory. Further, paragraph [0073] in applicants' corresponding published U.S. Patent Publication No. **2004/0190456** published September 30, 2004, is being amended to recite instances of computer usable medium as non-transitory computer usable medium.

In view of the foregoing, applicants have obviated the rejection of Claims 7-8, 11-12 based on 35 U.S.C. §101.

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner believes a

telephone conference might expedite prosecution of this case, applicant respectfully requests that the Examiner call applicant's attorney at (516) 742-4343.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Fischman", with a long horizontal line extending to the right.

Steven Fischman
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